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## PIPELINES

### FERC rejects Rover construction restart

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Federal energy regulators last week denied a request to resume tunneling under waterways in the early construction phase of Energy Transfer Partners' Rover pipeline, a 713-mile, \$4.2 billion project to deliver natural gas to the Midwest and Northeast.

The pipeline, which is set to originate with segments in Pennsylvania and West Virginia and snake across Ohio and into Michigan, won a construction permit in February from the Federal Energy Regulatory Commission. Since then, the developer has reported numerous spills of drilling fluids during construction, including a spill of some 2 million gallons into wetlands near the Tuscarawas River in eastern Ohio.

Earlier this month, FERC officials ordered Energy Transfer Partners to stop drilling activity at certain sites while the company and FERC brought in an independent contractor to assess why the spill happened and how the company might need to change its operations to avoid a recurrence. Less than a week later, the developer sought permission to resume activity at two sites where horizontal directional drilling was being used to cross below creeks, arguing that the suspended work put the local environment at risk.

In a notice last week, FERC denied that request, pointing to FERC monitoring that showed the sites were stable and had appropriate erosion control measures in place. Federal regulators noted that a resumption of drilling at those two sites and other locations along the pipeline path where work has not yet begun would depend on the outcome of the third-party analysis of the project's drilling problems.

On a [website](#) about the project, ETP downplays the environmental damage stemming from the drilling fluid spill. "Due to the subsurface conditions and other environmental conditions of the locations, the drilling mud was able to migrate through naturally occurring fractures in the soils and reach the surface," the company said. "It is important to note this is a common and normal component of executing directional drilling operations, there will be no impact to the environment and the release of the drilling mud is being managed and mitigated" according to plans on file with state and federal regulators.

ETP maintains that the drilling mud that was released is "a non-toxic, naturally occurring material that is safe for the environment" made up of water and bentonite, a material used in a variety of household products. But Craig Butler, director of the Ohio EPA, told *The Washington Post* that the sludgy mix would "kill just about everything in that wetland."

ETP did not respond to a call seeking an update on the status of the investigation into the spill, but the company has submitted a list of proposed independent reviewers to FERC for selection by the regulator.

The Ohio EPA is also separately pursuing action against ETP for allegedly failing to control stormwater runoff at construction sites, thereby polluting local waters. In a letter to FERC, Ohio EPA said ETP argues that the state has no enforcement authority on such violations thanks to FERC's issuance of construction permits. The state is asking FERC to take "appropriate action" on the issue and is reviewing its legal options.

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